

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 6, 2000 AT 1:30 P.M.

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

FORTENBERRY Having been appointed to read the minutes of the City Council proceedings of Feb. 22, 2000, reported having done so, found same correct.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

MANAGER APPLICATION OF IRENE K. HUNT FOR "GUITARS & CADILLACS" AT 5400 "O" STREET - Irene K. Hunt, 601 S 114th, Omaha, NE, took oath:

Cindy Johnson, Council Member: On your report here I think it said you're only going to be here about 12 hours a week., so how many days are you going to be open?

Ms. Hunt: Around 14, 16 that would be ... We're open Wednesday through Sunday right now.

Ms. Johnson: OK, so you're open four days?

Ms. Hunt: Uh-huh. I'll be up here probably later in the evenings.

Ms. Johnson: Of all four days?

Ms. Hunt: Uh-huh.

Ms. Johnson: I really like to have the manager on site and ...

Ms. Hunt: The Corporate Manager? because we do have a General Manager that will be on site also.

Ms. Johnson: And, are you going to be taking, have you signed up for our liquor classes?

Ms. Hunt: I have already called. There will be three of us attending.

Ms. Johnson: Great! Good, Ok thanks.

This matter was taken under advisement.

APPLICATION OF BRINKER RESTAURANT CORPORATION DBA "ROMANO'S MACARONI GRILL" FOR A CLASS "C" LIQUOR LICENSE AT 6800 SOUTH 27TH STREET;

MANAGER APPLICATION OF STEVEN R. BARNES FOR BRINKER RESTAURANT CORPORATION DBA "ROMANO'S MACARONI GRILL" AT 6800 SOUTH 27TH STREET - Steven Barnes, 15025 Washington St., Omaha, NE, took oath:

Jerry Shoecraft, Council Member: You've definitely got to tell me about this one. Where's this going to be located? Is this going to be at South Pointe?

Mr. Barnes: Yes it is by the South Pointe Pavillions.

Mr. Shoecraft: Is that facing 27th where the constructions going on, right?

Mr. Barnes: Uh-huh. Right in between where Chili's and Famous Dave's is.

Mr. Shoecraft: Yeah OK. What's going to be served? What's it ...

Mr. Barnes: It's northern Italian cuisine. We have about 100 restaurants. This is actually our first venture to the Midwest. The closest we are would be Kansas City and Des Moines. We're real excited to be here.

This matter was taken under advisement.

APPLICATION OF BENCHMARK REDEVELOPMENT INC. DBA "BUZZARD BILLY'S ARMADILLO BAR-N-GRILLO" AT 247 NORTH 8TH STREET, SUITE 101;

MANAGER APPLICATION OF DANIEL PATRICK MASSOTH FOR BENCHMARK REDEVELOPMENT INC. DBA "BUZZARD BILLY'S ARMADILLO BAR-N-GRILLO" AT 247 NORTH 8TH STREET, SUITE 101 - Daniel Massoth, 5831 Queens Dr., Lincoln, NE, oath taken:

Ms. Johnson: Have you signed up for a management training class?

Mr. Massoth: I'll be doing that in April, yes, uh-huh.

Coleen Seng, Council Member: Tell us about ...

Jeff Fortenberry, Council Member: Your food.

Mr. Shoecraft: We don't want to know about your food.

Ms. Seng: Sell us a sales pitch. Tell us about your restaurant.

Mr. Massoth: Buzzard Billy's is, we serve and specialize in Cajun & creole cuisine and also serve sea food steaks and sandwiches.

Mr. Shoecraft: So when someone asks me I say I'm going down to Buzzard Billy's right?

Mr. Massoth: Yeah.

Mr. Shoecraft: Alright!

Mr. Massoth: You bet.

This matter was taken under advisement.

AMENDING SECS. 2.76.150 & 2.76.160 OF THE LMC TO REMOVE THE REQUIREMENT THAT PAY INCREASES FOR EXCEPTIONAL SERVICE BE APPROVED BY THE MAYOR & TO PROVIDE THAT THE DIRECTOR OF PERSONNEL APPROVE SUCH PAY INCREASES WITH ANNUAL REPORTS SENT TO THE MAYOR - Georgia Glass, Personnel Director: Really I'm just here in case you had any questions about that.

Mr. Fortenberry: We had placed that on Pending a little while back and what was resolved since that time?

Ms. Glass: Well, this ordinance change needed to be approved by the City Personnel Board and last month at the City Personnel Board they unanimously voted to approve this ordinance change. That was the sequence that had to happen first before it came to you.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF SMALL TAX ALLOCATION BONDS IN MULTIPLE SERIES - Don Herz, Finance Director: The proposed ordinance that's before you today will allow the City to effectively deal with small tax increment finance projects and by definition that is small projects costing less than \$500,000. Under our current funding mechanism it is almost cost prohibitive to issue tax exempt bonds for these small a projects. The proposed ordinance will solve this problem by allowing the City Treasurer to allow up to a maximum of \$2,000,000 of taxable TIF Bonds just by

bypassing the tax exempt process. I believe these will be very safe investments and will limit the maximum amount, \$2,000,000 which is approximately 1% of our total investment portfolio. That's the only comments that I have. If there's any questions or perhaps Dallas could ask, answer any questions on specific projects.

Mr. Fortenberry: I think it would be helpful if you review for the community that's watching what this will empower you to do. I believe you had mentioned you have 8 potential projects that could utilize this in your future.

Dallas McGee, Urban Development: Certainly. We have about 22 existing tax increment financing districts in this City. They range in size from those that generate maybe a couple hundred thousand dollars to those that would generate millions of dollars. We have currently three projects that we're looking at that could be candidates for this way of funding it. One would be the Lincoln Star Building at 12th & M Streets, second would be the Lincoln Building at 10th & O Streets. Both of these are single building projects and they become rather prohibitively expensive if we go out and sell bonds the way we have in the past. This would save us anywhere from \$20 to \$30,000 that we could then put back into the project by way of public improvements. We do have some other districts that we're looking at that might be coming forward in the next few months as well.

Mr. Fortenberry: Thank you.

This matter was taken under advisement.

AMENDING CHAPTER 5.38 OF THE LMC TO INCLUDE CONDOMINIUMS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE MINIMUM HOUSING STANDARDS - Dana Roper, City Attorney: This is still being worked on by Building and Safety. They're still meeting with the industry and it would probably be appropriate to put it on Pending until they get it into a form that both sides are comfortable with and I think that could take a considerable length of time.

Jerry Shoecraft: So moved.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

David Hunt, 2252 E Street, Lincoln, NE: I am here today on behalf of the National Federation of the Blind. I'm a board member of that organization and past Chapter President. I would like to talk a bit about the transportation system in this community. When I moved here 12 years ago the transportation system worked much better than it currently does. At that time the buses ran Monday thru Saturday with a bus every half hour. It now runs Monday thru Saturday. During the week it only runs every half hour from, I believe, it's six to about 9:30 and it runs every hour from then until about 3:00. The Saturday schedule I don't think

anyone in the City understands and there is no service on Sundays or on week nights. It seems we cannot ever find the money to fund bus transportation. The figures I have been told is it would cost \$250,000 per year to have service continuing until 10:00 at night. It would cost nothing to run a bus into the Haymarket. There's not one that goes there now. As a blind person I don't feel I can walk across 9th & 10th into the Haymarket without getting killed. The City Council, it looks like, is going to pass ordinances which will allow a walkway between the Haymarket to the new ball diamond, but we can't get into the Haymarket. I have talked to Larry Werth about getting a bus into the Haymarket. He said it would cost money. He would have to hire an extra driver and the money is simply not there. In talking to the bus drivers they said the scheduling has already been figured out, it would simply add 9 minutes to that downtown shuttle route. It would not cost a dime. Why can't we get a bus in there? We also would like to see automatic phone systems so folks can call in and find out what the schedules are. As a blind person I can't read the schedules. I have called on Saturday morning to find out what a schedule is for that day, the nice answering machine said business hours are Monday through Saturday from 8:30 to 4:00 please call back during our normal business hours. That was at 10:00 in the morning. One last item before I close, recently Jeff Altman who is the Lincoln Chapter President of the National Federation of the Blind did bring up the fact that because of the ADA legislation it is a federal requirement for bus drivers to announce major stops at intersections. Larry Werth has told many bus drivers it is Jeff's fault now that they have to call out stops. Jeff has been accosted by some phone calls by drivers wondering why he is forcing them to do this. Larry Werth is telling the drivers it is Jeff's fault, not that it's a federal requirement, not that it's part of the ADA, but that it's one blind person trying to be a pain in the neck and I would certainly like to have some answers on some of these issues. Thank you.

Coleen Seng, Council Member: David, David Hunt, I'm Coleen Seng and I want you to know that I am serving on StarTran Task Force right now and so I've taken notes of what you've said and I'll take that to the next meeting.

Mr. Hunt: I would also say that I was at the StarTran Task Force meeting. I don't believe any of the people that are on that Task Force ride the bus.

Ms. Seng: Oh yes they do.

Mr. Hunt: When asked how many people rode the bus to the meeting they had ...

Ms. Seng: This is not the advisory group this is a special task force and there are bus riders on there.

Mr. Hunt: If we want to have good bus service we have, if we want to have ridership you have to have good service and with the amount of gasoline prices going up it would certainly be helpful to have good buses. Thank you.

This matter was taken under advisement.

Winfield Scott, 7401 Pioneers Blvd.: Came forward concerning his property at 70th & Pioneers. Schlossberg's built an apartment complex next to him which has a night light that shines into his home, lawn is eroded by the runoff from the apartments, ruined his well hydrant & when they replaced it they left big holes & mounds of dirt & there's a lot of

trash blowing into their yard. He's wanting to sell his property next to his home, but working with the Planning Dept. they can't agree on what it should be zoned. The request is currently for R-5 which he feels that no one is going to want to go in and build more units next to a complex with 261 units. He thinks maybe O-3 would be best, but Planning doesn't agree. The request for a change from B-2 to R-5 is currently on Pending which has been there for two years.

Mr. Fortenberry: He suggested to submit a letter to the Council enumerating these conditions & then they'll ask the Depts. what they can do about these problems. He also suggested that Ray Hill give the Council a memo listing the options that have been talked about & how a build out scenario could occur under various commercial districts.

Ms. Seng: She suggested he work with Building & Safety and Planning Dept. with his problems.

Ms. Johnson: Asked what his solution was & if he was wanting to develop the land?

Mr. Scott: Stated he wanted to sell the land & wants it zoned to make that possible.

Mr. Cook: He asked if he was looking for appropriate zoning for the land & the request now is for R-5 which allows for multifamily?

Mr. Scott: He doesn't feel that anyone would want to put in 50 more units next to the 261 units already there.

Ray Hill: Stated that in determining the right use of the land that in B-2 it has to be 5 acres which it isn't; O-3 has to have 2 acres which it isn't; O-2 is appropriate but he wants a building taller than 25'. To waive the height standard it would have to go through the Board of Zoning Appeals. O-2 is sold on the basis of buildable square feet not square footage. There is no limitation on this land for area for an O-2.

Mike Rierden, 645 M St., Suite 200: Appearing on behalf of the Schlossberg Co. stating that they will take care of any drainage problem immediately. The lighting problem will be rectified. They will deal with the construction material trash to make sure they don't contribute to the trash problem.

Ms. Seng: She requested that Mr. Rierden put this in writing to the Council.

Ms. Johnson: She asked Mr. Rierden if he was willing to take personal responsibility to see these are followed through with since the Schlossberg Co. is out-of-town.

Mr. Rierden: He stated that he will take the responsibility to make sure this is done.

This matter was taken under advisement.

Dennis Siems 1924 West Q Street, Lincoln, NE: He came forward about the Police harassing a female friend & her daughter that he has witnessed for two years. She has told him of this going on for 17 years. She has a protection order against a man who has harassed, blackmailed, raped, assaulted her. He shot out the window in her vehicle last night. The Police won't help her & attorneys are of no help.

Mr. Shoecraft: He stated he would investigate it further.

Ms. Johnson: Asked if the Police had investigated it?

Mr. Siems: He stated the Police investigated it and cited the man.

Ms. Seng: Stated she wants Dana Roper to be sure to contact Chief Casady on this.

Woman came forward, no name given: She came forward & stated she has been severely beat up, had a gun to her head twice, been rushed down by 4 officers, most of them male officers. Only one female officer was in the severe attack on her which caused her to be hospitalized. She is concerned about her seven year daughter seeing all this happening.

This matter was taken under advisement.

Lois Newman, no address given: She had lost her passport back in January. One of the bus drivers asked if she had gotten it back that she had left it on the bus, so she went down there on March 1st to pick it up. They couldn't find it. They eventually found it in a crack. Her name is on it, but they didn't call her or send it back to her until she went to claim it at StarTran. When they found it they mailed it to her. It had expired. She asked them to please do something about StarTran, let them learn that they've got to do right.

This matter was taken under advisement.

ORDINANCES - 3RD READING

AMENDING CHAPTER 5.38 OF THE LMC TO INCLUDE CONDOMINIUMS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE MINIMUM HOUSING STANDARDS - PRIOR to reading: SHOECRAFT Moved to place Bill 00-31 on Pending.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, amending Chapter 5.38.010 of the LMC to include condominiums within the definition of "house" and to add "condominium" and "condominium unit" to the definitions pertaining to Chapter 5.38 "Motels, Hotels, Rooming, Lodging, and Apartment Houses" to clarify that condominiums fall within the provisions of Chapter 5.38 in order to ensure that condominium units comply with the minimum housing standards; and repealing Section 5.38.010 of the LMC as hitherto existing, the third time.

CHANGE OF ZONE 3224 - AMENDING TITLE 27 OF THE LMC TO ADD A NEW SEC. 27.71.095 TO PERMIT LIGHT WELLS & EGRESS WINDOWS IN REQUIRED YARDS - PRIOR to reading:

COOK Moved to delay action on Bill 00-32 to 3/13/00.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, amending Title 27 of the LMC (the Zoning Code) to add a new section 27.71.095 relating to permit light wells and egress windows in required yards, the third time.

CHANGE OF ZONE 3235 - APP. OF THE PLANNING DIRECTOR FOR A CHANGE FROM I-2 INDUSTRIAL PARK TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED AT S. 14TH ST. & RADCLIFF ST. - CLERK read an ordinance, introduced by Jerry

Shoecraft, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

SHOECRAFT Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17629, is recorded in Ordinance Book No. , Page

VACATING THE EAST-WEST ALLEY LOCATED BETWEEN 5TH & 6TH STREETS FROM "G" TO "H" STS. - CLERK read an ordinance, introduced by Jerry Shoecraft, vacating the east-west alley located between 5th & 6th Sts. from "G" to "H" St., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SHOECRAFT Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17630, is recorded in Ordinance Book No. , Page

VACATING THE EAST-WEST ALLEY IN THE BLOCK BOUNDED BY N. 17TH ST., "R" ST., N. 18TH ST., & "Q" ST. - CLERK read an ordinance, introduced by Jerry Shoecraft, vacating the east-west alley in the block bounded by N. 17th St., "R" St., N. 18th St., & "Q" St., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SHOECRAFT Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17631, is recorded in Ordinance Book No. , Page

VACATING COOPER AVE. WEST FROM THE WEST RIGHT-OF-WAY LINE OF S. 52ND ST. APPROX. 158' TO THE WEST LINE OF THE NORTH/SOUTH ALLEY - CLERK read an ordinance, introduced by Jerry Shoecraft, vacating Cooper Avenue west from the west right-of-way line of S. 52nds St. approximately 158' to the west line of the north-south alley, & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SHOECRAFT Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17632, is recorded in Ordinance Book No. , Page

AMENDING CHAPTER 8.08 OF THE LMC, THE AMBULANCE TRANSPORTATION CODE, TO ALLOW AN EXTENSION OF A CURRENT CERTIFICATE OF PUBLIC CONVENIENCE & NECESSITY FOR A PERIOD NOT TO EXCEED TWO YEARS - PRIOR to reading:

CAMP Moved to place Bill 00-53 on Pending.

Seconded by Johnson & carried by the following vote: AYES: Camp, Fortenberry, Johnson; NAYS: Cook, McRoy, Seng, Shoecraft.

CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 8.08 of the LMC, the Ambulance Transportation Code, by amending Sec. 8.08.050 to allow extensions to facilitate the review of new applications

for Certificates of Public Convenience & Necessity; adding a new section numbered 8.08.051 to allow an extension of a current Certificate of Public Convenience & Necessity for a period not to exceed two years; & repealing Sec. 8.08.050 of the LMC as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Johnson; NAYS: Cook, Fortenberry, McRoy, Seng, Shoecraft.

The ordinance, having **LOST**, was assigned File #38-4328, & placed on file in the Office of the City Clerk.

CHANGE OF ZONE 3229 - APP. OF TRG CONSULTING, L.L.C. FOR A CHANGE FROM R-2 RESIDENTIAL TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 56TH ST. & PIONEERS BLVD. (IN CONNECTION W/00R-65) - CLERK read an ordinance, introduced by Jerry Shoecraft, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

SHOECAFT Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17633, is recorded in Ordinance Book No. , Page

SPECIAL PERMITS

SPECIAL PERMIT 1824 - APP. OF TRG CONSULTING TO CONSTRUCT A DOMICILIARY CARE FACILITY OF 98 UNITS FOR 102 RESIDENTS ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 56TH ST. & PIONEERS BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80065 WHEREAS, TRG Consulting, L.L.C. has submitted an application designated as Special Permit No. 1824 for authority to construct a domiciliary care facility of 98 units for 102 residents on property located at the northwest corner of South 56th Street and Pioneers Boulevard, and legally described to wit:

Lot 71 and the remaining portions of Lots 69, 173, and 174 Irregular Tracts, located in the Southeast Quarter of Section 5, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described by metes and bounds as follows:

Referring to the southeast corner of Section 5, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska; thence north 00 degrees 01 minutes 45 seconds west (an assumed bearing) and on the east line of the Southeast Quarter of said Section 5, a distance of 34.23 feet; thence north 89 degrees 39 minutes 22 seconds west, a distance of 75.37 feet to the south southeasterly corner of the remaining portion of Lot 174 Irregular Tract of said Section 5 and also said point is on the westerly right-of-way line of South 56th Street and the northerly right-of-way line of Pioneers Boulevard and the point of beginning; thence continuing on the last described course, north 89 degrees 39 minutes 22 seconds west, and on the southerly line of

the remaining portion of Lots 69 and 174 Irregular Tracts of said Section 5 or the northerly right-of-way line of said Pioneers Boulevard, a distance of 206.34 feet to the southwesterly corner of the remaining portion of Lot 69 or the southeasterly corner of the remaining portion of Lot 68 Irregular Tracts of said Section 5; thence north 00 degrees 16 minutes 00 seconds east, and on the westerly line of the remaining portion of Lot 69 and Lot 71 or the easterly line of the remaining portion of Lot 68 and Lot 190 Irregular Tracts of said Section 5, a distance of 330.30 feet to the northwesterly corner of Lot 71 or the northeasterly corner of Lot 190 and said point is on the southerly line of Lot 189 Irregular Tracts of said Section 5; thence south 89 degrees 38 minutes 10 seconds east, and on the northerly line of Lot 71 and the remaining portion of Lot 173 or the southerly line of Lot 189 Irregular Tracts of said Section 5, a distance of 230.00 feet to the northeasterly corner of the remaining portion of Lot 173 or the southeasterly corner of Lot 189 Irregular Tracts of said Section 5 and also said point is on the westerly right-of-way line of said South 56th Street; thence south 00 degrees 01 minutes 45 seconds east, parallel with and 50 feet westerly of the east line of the Southeast Quarter and on the easterly line of the remaining portion of Lots 173 and 174 Irregular Tracts of said Section 5 or the westerly right-of-way line of said South 56th Street, a distance of 305.36 feet; thence south 45 degrees 43 minutes 44 seconds west, and on the westerly right-of-way line of said South 56th Street and the northerly right-of-way line of said Pioneers Boulevard or the southerly line of the remaining portion of Lot 174 Irregular Tract of said Section 5, a distance of 35.41 feet to the point of beginning and containing a calculated area of 75,925.00 square feet or 1.743 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this domiciliary care facility will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of TRG Consulting, L.L.C., hereinafter referred to as "Permittee", to construct a domiciliary care facility of 98 units for 102 residents, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.530 of the

Lincoln Municipal Code upon condition that construction and operation of said domiciliary care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 98 units with 102 residents.
2. Before receiving building permits the construction plans must conform to the approved plans.
3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements shall be permanently maintained by the Permittee.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

- Change of Zone 3242 - App. of Jacqueline Berniklau to amend Text of LMC Chapter 27.07, Section 27.07.020 AG Agriculture.
- Change of Zone 3243 - App. of Nebraska Neon Sign Co. to amend Sec. 27.69.044 of the LMC.
- Change of Zone 3244 - App. of HEP Inc. & Robert C. Coryn to change zoning district map from H-3 to I-1 at 601 NW 27th St.
- Change of Zone 3245 - App. of Manette M. Kidney to change zoning district map from AG to O-2 at 8400 Old Cheney Rd.
- Change of Zone 3246 - App. of Catholic Bishop of Lincoln Inc. to amend Sections 27.11.040, 27.13.040, 27.15, 040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, & a new section in Chapter 27.63.
- Change of Zone 3247 - App. of Director of Planning the zoning district map from AGB to B-2 and R-3 to B-2.
- Special Permit No. 879D - App. of Gardens Complex LLC to expand Special Permit 870C to construct a parking lot at 131 S. 45th St.
- Special Permit No. 1164A - App. of Catholic Bishop of Lincoln Inc. to expand Special Permit 1164 to include additional residential units and office building related to Lincoln Catholic Diocese.

Special Permit 1691B - App. of Hoegemeyer-Palmer Construction Inc. To allow for covered patio's or deck's to extend into rear yard requirements a maximum of 5'0" at 6701 S. 57th St.

Special Permit 1713A - App. of Brian Carstens to develop a Community Unit Plan in accordance with Chapter 27.65 of the LMC at Stephanie Lane & Allen Rd.

Special Permit 1773 - App. of Wayne W. Minehart to perform the grinding & recycling of rock, asphalt & concrete as a permitted special use of I-1 Dist. (re-referred)

Special Permit 1825 - App. of Teresa J. Schultz to submit a Community Unit Plan for 18 Townhouse Lots & 16 Single Family Lots.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON FEB. 22, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80063 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 02/25/00)

Introduced by Jonathan Cook

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JAN. 31, 2000 - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80064 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended January 31, 2000, \$286,832.94 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MON., MARCH 27, 2000 AT 6:30 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

00R-77 To provide the authority to order Paving Dist. No. 2616 constructed being 72nd St., Havelock to Morrill Ave. - CLERK requested to have hearing on Mon., March 27, 2000 at 6:30

p.m. & to place on formal City Council Agenda.

Jerry Shoecraft: So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. DUE FOR THE MONTH OF JAN., 2000
FROM : I-LINK, SPRINT, INACOM, SPRINT SPECTRUM, SHAFFER, TELIGENT, BUSINESS TELECOM, WORKING ASSETS, ATS MOBILE, INTELICALL, PHOENIX NETWORK, MCLEOD USA, COAST INT'L., NEBRASKA TECHNOLOGY, USA PAGING LLC, AT&T, ALIANT, ALIANT CELLULAR, LINCOLN CELTELCO. MCLEODUSA, COAST INTEL, NEBRASKA TECHNOLOGY, USA PAGING LLC, AT&T, PLIANT, PLIANT CELLULAR, LINCOLN CELTELCO - CLERK presented said reports which were placed on file in the Office of the City Clerk. (20)

OTHER RESOLUTIONS

MANAGER APPLICATION OF IRENE K. HUNT FOR "GUITARS & CADILLACS" AT 5400 "O" STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80058 WHEREAS, Guitars & Cadillacs located at 5400 "O" Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Irene K. Hunt be named manager;

WHEREAS, Irene K. Hunt appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Irene K. Hunt be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF BRINKER RESTAURANT CORPORATION DBA "ROMANO'S MACARONI GRILL" FOR A CLASS "C" LIQUOR LICENSE AT 6800 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80059 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Brinker Restaurant Corporation dba "Romano's Macaroni Grill" for a Class "C" liquor license at 6800 South 27th Street, Lincoln, Nebraska, for the license period ending October 31, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF STEVEN R. BARNES FOR BRINKER RESTAURANT CORPORATION DBA "ROMANO'S MACARONI GRILL" AT 6800 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80060 WHEREAS, Brinker Restaurant Corporation dba "Romano's Macaroni Grill" located at 6800 South 27th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Steven R. Barnes be named manager;

WHEREAS, Steven R. Barnes appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Steven R. Barnes be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF BENCHMARK REDEVELOPMENT INC. DBA "BUZZARD BILLY'S ARMADILLO BAR-N-GRILLO" AT 247 NORTH 8TH STREET, SUITE 101 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80061 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Benchmark Redevelopment Inc. dba "Buzzard Billy's Armadillo Bar-N-Grillo" for a Class "C" liquor license at 247 North 8th Street, Suite 101, Lincoln, Nebraska, for the license period ending October 31, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF DANIEL PATRICK MASSOTH FOR BENCHMARK REDEVELOPMENT INC. DBA "BUZZARD BILLY'S ARMADILLO BAR-N-GRILLO" AT 247 NORTH 8TH STREET, SUITE 101 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80062 WHEREAS, Benchmark Redevelopment Inc. dba "Buzzard Billy's Armadillo Bar-N-Grillo" located at 247 North 8th Street, Suite 101, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Daniel Patrick Massoth be named manager;

WHEREAS, Daniel Patrick Massoth appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Daniel Patrick Massoth be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST & 2ND READING

APPROVING THE TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$6,600,000 WITHIN THE WASTEWATER CONSTRUCTION FUND FROM CAPITAL IMPROVEMENT PROJECTS THERESA STREET PLANT TREATMENT EXPANSION AND NE TREATMENT PLANT EXPANSION TO SALT VALLEY RELIEF SEWER IMPROVEMENTS TO COMPLETE THE SALT VALLEY RELIEF SEWER IMPROVEMENTS PROJECT AS ONE TOTAL PROJECT - CLERK read an ordinance, introduced by Jerry Shoecraft, approving the transfer of appropriations between certain capital improvement projects within the Wastewater Construction Fund, the first time.

AMENDING CHAPTER 12.08 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE DIRECTOR OF PARKS AND RECREATION MAY AUTHORIZE A TEMPORARY EXTENSION OF PARK HOURS; ALLOWING THE OPERATION OF VEHICLES DURING PUBLIC GATHERINGS IN PARKS; TO PROVIDE THAT THE DIRECTOR OF PARKS AND RECREATION MAY AUTHORIZE COMMERCIAL ACTIVITY WITHIN A PARK; TO GRANT A LICENSE FOR THE USE OF PINWOOD BOWL OR ANY ATHLETIC FIELD, SWIMMING POOL OR SIMILAR RECREATIONAL FACILITY; AMENDING THE INSURANCE AMOUNT REQUIREMENTS FOR SUCH LICENSES; AND TO PROVIDE THAT THE DIRECTOR OF PARKS AND RECREATION MAY GRANT CONCESSIONS UPON PARK PROPERTY - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 12.08 of the LMC relating to Parks General Rules and Regulations by amending Section 12.08.070 to provide that the Director of Parks and Recreation rather than the Mayor may authorize a temporary extension of the hours during which a park shall be open to the public; repealing Section 12.08.150 which prohibits the operation of vehicles during public gatherings in parks; amending Section 12.08.230 to provide that the Director of Parks and Recreation, in addition to the Mayor and City Council, may authorize commercial activity within any park or on the roadways therein; amending Section 12.08.310 to provide that the Director of Parks and Recreation rather than the Mayor may grant a license for the use of Pinewood Bowl, or any athletic field, municipal swimming pool, or similar recreational facility, and increasing City liability coverage to \$1,000,000; amending Section 12.08.320 to provide that the Director of Parks and Recreation rather than the Mayor is authorized to grant concessions upon park property; and repealing Sections 12.08.070, 12.08.230, 12.08.310 and 12.08.320 of the LMC as hitherto existing, the first time.

AMENDING SECS. 2.76.150 & 2.76.160 OF THE LMC TO REMOVE THE REQUIREMENT THAT PAY INCREASES FOR EXCEPTIONAL SERVICE BE APPROVED BY THE MAYOR & TO PROVIDE THAT THE DIRECTOR OF PERSONNEL APPROVE SUCH PAY INCREASES WITH ANNUAL REPORTS SENT TO THE MAYOR - Clerk read an ordinance, introduced by Jon Camp, amending Secs. 2.76.150 & 2.76.160 of the LMC to remove the requirement that pay increases for exceptional service be approved by the Mayor & to provide that the Director of Personnel annually send written reports to the Mayor listing employees approved for exceptional service pay increase; & repealing Secs. 2.76.150 & 2.76.160 of the LMC as hitherto existing, the second time.

AMENDING SEC. 3 OF ORD. 17394 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "C" BY CREATING THE JOB CLASSIFICATION OF "ENVIRONMENTAL LABORATORY SPECIALIST II"; CHANGING THE JOB CLASSIFICATION TITLE OF "ENVIRONMENTAL TECHNICIAN SUPERVISOR" TO "ENVIRONMENTAL SPECIALIST III"; CHANGING THE JOB CLASSIFICATION TITLE OF "UTILITY PLANT EQUIPMENT SUPERVISOR" TO "FACILITY MAINTENANCE SUPERVISOR"; & CHANGING THE CLASS CODE & TITLE OF "5318 - ENVIRONMENTAL LABORATORY TECHNICIAN" TO "5290 - ENVIRONMENTAL LABORATORY SPECIALIST I" - Clerk read an ordinance, introduced by Jon Camp, amending Sec. 3 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by creating the job classification of "Environmental Laboratory Specialist II"; changing the job classification title of "Environmental Technician Supervisor" to "Environmental Specialist III"; changing the job classification title of "Utility Plant Equipment Supervisor" to "Facility Maintenance Supervisor"; & changing the class code & title of "5318 - Environmental Laboratory Technician" to "5290 - Environmental Laboratory Specialist I", the second time.

AMENDING SEC. 5 OF ORD. 17394 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" BY CREATING THE JOB CLASSIFICATIONS OF "MAINTENANCE OPERATOR" & "MAINTENANCE OPERATOR II"; CHANGING THE JOB CLASSIFICATION TITLE OF "ENVIRONMENTAL TECHNICIAN I" TO "ENVIRONMENTAL SPECIALIST I"; & CHANGING THE JOB CLASSIFICATION TITLE OF "ENVIRONMENTAL TECHNICIAN II" TO "ENVIRONMENTAL SPECIALIST II" - Clerk read an ordinance, introduced by Jon Camp, amending Sec. 5 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classifications of "Maintenance Operator I" & "Maintenance Operator II"; changing the job classification title of "Environmental Technician I" to "Environmental Specialist I"; & changing the job classification title of "Environmental Technician II" to "Environmental Specialist II", the second time.

AUTHORIZING THE ISSUANCE OF SMALL TAX ALLOCATION BONDS IN MULTIPLE SERIES - Clerk read an ordinance, introduced by Jon Camp, authorizing the Finance Director or the City Auditor to cause to be issued, from time to time,

City of Lincoln, Nebraska, Small Issue Tax Allocation Bonds ("Bonds") in multiple series for the purpose of paying the costs of constructing, reconstructing, improving, extending, equipping or furnishing improvements within one or more of the City's present & future Community Development Law Improvement Projects & the acquisition of parcels of real estate and/or interests in real estate in connection therewith (Each a "Project"); generally describing the form & certain of the details of the bonds; pledging certain tax allocation revenues to the payment of the principal of & interest on the bonds as the same become due & to carry out all other covenants of this ordinance; limiting payment of the bonds to said tax allocation revenues; authorizing the creation & establishment of funds & accounts; authorizing the purchase of such bonds from Idle or other available City General Fund Balances; delegating, authorizing & directing the Finance Director or City Auditor to exercise his or her own independent discretion & judgment in determining when & under what specific circumstances to implement the provisions of this ordinance & in determining & finalizing the terms & provisions with respect to the bonds not specified herein; providing for the application of the proceeds of the bonds; providing for the payment of the principal of & interest on the bonds; taking other action & making other covenants & agreements in connection with the foregoing; & declaring an emergency.

MISCELLANEOUS BUSINESS

PENDING LIST -

SPECIAL PERMIT 1423C - APP. OF DRU, GUY, & DAVID LAMMLE TO AMEND THE HIMARK ESTATES C.U.P. TO ADD LAND, INCREASE THE ASSIGNED NUMBER OF DWELLING UNITS FROM 240 TO 300 MULTI-FAMILY DWELLING UNITS, & TO APPROVE THE SITE PLAN FOR THE MULTIPLE FAMILY AREA, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF S. 84TH ST. & OLD CHENEY RD. - CLERK requested to continue Public Hearing to 3/20/00.

JOHNSON So moved.

 Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

JOHNSON Moved to extend the Pending List for 1 week.

 Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$37,355 FROM THE OPERATION OF KENO LOTTERY FOR VARIOUS HUMAN SERVICES - CLERK requested to reconsider grant of \$5,000 for Nebraska Aids Project on 3/13/00.

FORTENBERRY So moved.

 Seconded by Johnson & carried by the following vote: AYES: Camp, Fortenberry, Johnson, Shoecraft; NAYS: Cook McRoy, Seng.

JOHNSON Moved to approve the resolutions to have Public Hearing on March 13, 2000.

 Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

2:36 P.M.

JOHNSON Moved to adjourn the City Council Meeting of Feb. 28, 2000.

 Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Paul A. Malzer, Jr., City Clerk

Judy Roscoe, Office Assistant III